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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,721	10/28/2003	Jerrel C. Anderson	AD7065 USNA	5537

23906 7590 02/23/2006

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT PAPER NUMBER

1773

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,721

Applicant(s)

ANDERSON, JERREL C.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Applicant's election of Group I, claims 1-4, in the reply filed on December 19, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

4. Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 19, 2005.

5. Claims 1, 3 and 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. The specification as originally filed fail to provide support for the limitations: (1) "at least two thermoplastic polymer sheets each having a thickness of greater than 50 μm " in claims 1 and 3, lines 3-4; (2) "each of the thermoplastic sheets has a thickness of at least 0.3 mm" in claim 8, lines 1-2; (3) "thermoplastic sheets have a thickness in the range of from about 0.3 mm to about 1 mm" in claim 9, lines 2-3 and (4) "thermoplastic sheets have a thickness of at least about 15 mil" in claim 10, line 2. In reference to support for afore said limitations, applicant state that while verbatim support for "greater than 50 μm " is not found in the present application, the Applicant is allowed to exclude from the claims that which was claimed or disclosed in the prior art. Applicant further states that Frost teaches that an acceptable interlayer thickness for commercial interlayers is from 0.3 to 1.0 mm. Thus afore said limitations are not supported by the originally filed specification as admitted by applicant. The applicant is allowed to exclude from the claims that which was claimed or disclosed in the prior art as long as the originally filed specification has support for the added limitation.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Frost et al (U. S. Patent 5,932,329) for the reasons of record set forth in paragraph 9 of the Office Action mailed July 19, 2005 (Paper Number 20050622). In addition Frost et al's disclosure of thickness of the thin first adhesive layer is preferably at most about 50 μm is inclusive of thickness somewhat higher than 50 μm , e.g. 51 μm which meets claimed limitation greater than 50 μm .

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al (U. S. Patent 5,932,329) in view of Bolton (U. S. Patent 4,906,703) for the reasons of record set forth in paragraph 10 of the Office Action mailed July 19, 2005 (Paper Number 20050622). In addition Frost et al's disclosure of thickness of the thin first adhesive layer is preferably at most about 50 μm is inclusive of thickness somewhat higher than 50 μm , e.g. 51 μm which meets claimed limitation greater than 50 μm .

8. Applicant's arguments filed December 19, 2005 have been fully considered but they are not persuasive. In reference to rejection of claims 1 and 3 under 35 U.S.C. 102(b) as being anticipated by Frost et al (U. S. Patent 5,932,329), applicant's arguments mainly directed to amended claims requiring thermoplastic polymer sheet having a thickness of greater than 50 μm . These arguments are unpersuasive because the added limitation is not supported by original specification.

In reference to rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Frost et al (U. S. Patent 5,932,329) in view of Bolton (U. S. Patent 4,906,703), applicant mainly argue that Bolton et al do not suggest the use of ionomers as an adhesive material capable of bonding to the IR coating disclosed in Frost.

These arguments are unpersuasive because Frost clearly state that for both the extremely thin first adhesive layer and for the second adhesive layer, any of the materials known from normal laminated glass can be considered for the adhesive layers, preferably thermoplastic material (Col. 3, lines 21-26). Bolton et al clearly teach

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advantages of ionomer resins for the laminated glass over polyvinyl butyral and polyurethane. Nowhere Frost states that Bolton et al's laminating adhesive cannot be used.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
February 18, 2006.